

1 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3) because it is being filed
2 “...within 30 days after receipt by the defendant, through service or otherwise, of a copy of an
3 amended pleading, motion order or other paper from which it may be first ascertained that the case
4 is one which is or has become removable.” 28 U.S.C. § 1446(b)(3). Plaintiff is claiming more than
5 \$75,000 in damages, as confirmed by Plaintiff’s Response to Request for Admission served on
6 November 16, 2021, as well as follow up telephone calls to and from plaintiff’s counsel on
7 November 17, 2021 and November 22, 2021. Reppart Decl., Ex. 4.

8 Plaintiff is a resident of the State of Washington. Reppart Decl., Ex. 2. Safeway Inc. is a
9 Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl., Ex. 3.

10 **II. BASES FOR REMOVAL**

11 **A. There is Complete Diversity of Citizenship under 28 USC § 1332.**

12 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §
13 1332(a)(1) and (a)(3), and this action is one that can be removed to this Court by Defendant
14 pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and
15 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

16 The Plaintiff is a resident of Washington State. Reppart Decl., Ex. 2. Defendant Safeway
17 Inc. is a Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl.,
18 Ex. 3. Removal of the Plaintiff’s action to this Court is proper because there is complete diversity
19 of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the
20 time Plaintiff’s lawsuit was served.

21 **B. The Amount in Controversy Exceeds the Jurisdictional Minimum.**

22 Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff’s Response
23 to Request for Admission served on November 16, 2021, as well as follow up telephone calls to

SAFEWAY INC.’S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C. §§ 1332,
1441 AND 1446 – 2
CAUSE NO.

3112289 / 824.0098

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164
(206) 689-8500 • (206) 689-8501 FAX

1 and from plaintiff's counsel on November 17, 2021 and November 22, 2021. Reppart Decl., Ex.
2 4. This information is sufficient to conclude that plaintiff seeks to recover in excess of \$75,000 in
3 damages against Defendant.

4 **C. This Notice of Removal is Timely Under 28 USC § 1446(b).**

5 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3) because it is being filed
6 "...within 30 days after receipt by the defendant, through service or otherwise, of a copy of an
7 amended pleading, motion order or other paper from which it may be first ascertained that the case
8 is one which is or has become removable." 28 U.S.C. § 1446(b)(3).

9 **D. This Notice of Removal Complies with the Applicable Local Rules, and**
10 **Venue Is Proper in the Western District of Washington under 28 U.S.C. §**
128(b).

11 This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and
12 Local Rules. Defendant has attached to the Declaration of Kimberly Reppart, filed in support of
13 this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as
14 required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b)
15 and 1391, because this District encompasses King County, the county listed in the state court
16 complaint served on Defendant. Defendant is serving Plaintiff with copies of this Notice of
17 Removal and the supporting Declaration of Kimberly Reppart (with exhibits).

18 **III. CONCLUSION**

19 Plaintiff's civil action, originally venued in King County Superior Court for the State of
20 Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District
21 Court for the Western District of Washington at Seattle.

22 //

23 //

SAFEWAY INC.'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C. §§ 1332,
1441 AND 1446 – 3
CAUSE NO.

3112289 / 824.0098

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164
(206) 689-8500 • (206) 689-8501 FAX

1 Dated this 7th day of December, 2021.

2 FORSBERG & UMLAUF, P.S.

3 

4 Kimberly A. Reppart, WSBA #30643
5 901 Fifth Avenue, Suite 1400
6 Seattle, WA 98164
7 Tel: 206-689-8500
Facsimile: 206-689-8501
Email: kreppart@foum.law
Attorney for Defendant Safeway Inc.

8 FORSBERG & UMLAUF, P.S.

9 

10 Alexandra E. Ormsby, WSBA #52677
11 901 Fifth Avenue, Suite 1400
12 Seattle, WA 98164-2050
13 Telephone: (206) 689-8500
14 Facsimile: (206) 689-8501
15 Email: aormsby@foum.law
16 Attorneys for Defendant Safeway Inc.

17
18
19
20
21
22
23
SAFEWAY INC.'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C. §§ 1332,
1441 AND 1446 – 4
CAUSE NO.

3112289 / 824.0098

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164
(206) 689-8500 • (206) 689-8501 FAX